



1 Education and Workforce Development Cabinet

2 Kentucky Board of Education

3 Department of Education

4 (Amended After Comments)

5 704 KAR 3:370. Professional Growth and Effectiveness System.

6 RELATES TO: KRS 156.557, 156.800(7), 161.740

7 STATUTORY AUTHORITY: KRS 156.070, 156.557(2), (5)(c)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.557(2) and (5)(c) require the

9 Kentucky Board of Education to promulgate administrative regulations to establish a statewide

10 professional growth and effectiveness system for the purposes of supporting and improving the

11 performance of all certified school personnel and to develop written guidelines for local school

12 districts to follow in implementing a statewide system of evaluation for certified school

13 personnel. This administrative regulation establishes a statewide professional growth and

14 effectiveness system to support and improve the performance of all certified school personnel.

15 Section 1. Definitions. (1) "Artifact" means a product of a certified school personnel's work that

16 demonstrates knowledge and skills.

17 (2) "Assistant principal" means a certified school personnel who devotes the majority of

18 employed time in the role of assistant principal, for which administrative certification is required

19 by the Education Professional Standards Board pursuant to Title 16 KAR.

20 (3) "Certified administrator" means a certified school personnel, other than principal or assistant

21 principal, who devotes the majority of employed time in a position for which administrative

certification is required by the Education Professional Standards Board pursuant to Title 16 KAR.

(4) "Certified school personnel" means a certified employee, below the level of superintendent, who devotes the majority of employed time in a position in a district for which certification is required by the Education Professional Standards Board pursuant to Title 16 KAR and includes certified administrators, assistant principals, principals, other professionals, and teachers.

(5) "Conference" means a meeting between the evaluator and the evaluatee for the purposes of providing feedback, analyzing the results of an observation or observations, reviewing other evidence to determine the evaluatee's accomplishments and areas for growth, and leading to the establishment or revision of a professional growth plan.

(6) "Evaluatee" means the certified school personnel who is being evaluated.

(7) "Evaluator" means the primary evaluator as described in KRS 156.557(5)(c)2.

(8) "Formative evaluation" is defined by KRS 156.557(1)(a).

(9) "Improvement plan" means a plan for improvement of up to twelve (12) months in duration for:

(a) Teachers and other professionals who are rated ineffective in professional practice and have a low overall student growth rating; and

(b) Principals who are rated ineffective in professional practice and have high, expected, or low overall student growth rating.

(10) "Job category" means a group or class of certified school personnel positions with closely related functions.

(11) "Local contribution" means a rating based on the degree to which a teacher, other professional, principal, or assistant principal meets student growth goals and is used for the

- 1 student growth measure.
- 2 (12) "Local formative growth measures" is defined by KRS 156.557(1)(b).
- 3 (13) "Observation" means a data collection process conducted by a certified observer, in person  
4 or through video, for the purpose of evaluation, including notes, professional judgments, and  
5 examination of artifacts made during one (1) or more classroom or worksite visits of any  
6 duration.
- 7 (14) "Observer certification" means a process of training and ensuring that certified school  
8 personnel who serve as observers of evaluatees have demonstrated proficiency in rating teachers  
9 and other professionals for the purposes of evaluation and feedback.
- 10 (15) "Observer calibration~~[recalibration]~~" means the process of ensuring that certified school  
11 personnel have maintained proficiency and accuracy in observing teachers and other  
12 professionals for the purposes of evaluation and providing feedback.
- 13 (16) "Other professionals" means certified school personnel, except for teachers, administrators,  
14 assistant principals, or principals.
- 15 (17) "Overall student growth rating" means the rating that is calculated for a teacher or other  
16 professional evaluatee pursuant to the requirements of Section 7(9) and (10) of this  
17 administrative regulation and that is calculated for an assistant principal or principal evaluatee  
18 pursuant to the requirements of Section 10(8) of this administrative regulation.
- 19 (18) "Peer observation" means observation and documentation by trained certified school  
20 personnel below the level of principal or assistant principal.
- 21 (19) "Performance criteria" means the areas, skills, or outcomes on which certified school  
22 personnel are evaluated.
- 23 (20) "Performance rating" means the summative description of a teacher, other professional.

principal, or assistant principal evaluatee's performance, including the ratings listed in Section 7(8) of this administrative regulation.

~~(21)[ "Preschool teacher" means a certified school personnel who holds a certificate required by 16 KAR 2:040 and who meets the preschool lead teacher qualifications required by 704 KAR 3:410, Section 7.~~

(22)] "Principal" means a certified school personnel who devotes the majority of employed time in the role of principal, for which administrative certification is required by the Education Professional Standards Board pursuant to 16 KAR 3:050.

~~(22)~~[(23)] "Professional growth and effectiveness system" or "system" means an evaluation system to support and improve the performance of certified school personnel that meets the requirements of KRS 156.557(1)(c), (2), and (3) and that uses clear and timely feedback to guide professional development.

~~(23)~~[(24)] "Professional growth plan" means an individualized plan for a certified personnel that is focused on improving professional practice and leadership skills, aligned with performance standards and the specific goals and objectives of the school improvement plan or the district improvement plan, built using a variety of sources and types of data that reflect student needs and strengths, evaluatee data, and school and district data, produced in consultation with the evaluator as described in Section 9(1), (2), (3), and (4) and Section 12(1), (2), (3), and (4) of this administrative regulation, and includes:

(a) Goals for enrichment and development that are established by the evaluatee in consultation with the evaluator;

(b) Objectives or targets aligned to the goals;

(c) An action plan for achieving the objectives or targets and a plan for monitoring progress;

(d) A method for evaluating success; and

(e) The identification, prioritization, and coordination of presently available school and district resources to accomplish the goals.

~~(24)~~~~(25)~~ "Professional practice" means the demonstration, in the school environment, of the evaluatee's professional knowledge and skill.

~~(25)~~~~(26)~~ "Professional practice rating" means the rating that is calculated for a teacher or other professional evaluatee pursuant to Section 7(8) of this administrative regulation and that is calculated for a principal or assistant principal evaluatee pursuant to the requirements of Section 10(7) of this administrative regulation.

~~(26)~~~~(27)~~ "Self-reflection" means the annual process by which certified school personnel assess the effectiveness and adequacy of their knowledge and performance for the purpose of identifying areas for professional learning and growth.

~~(27)~~~~(28)~~ "Sources of evidence" means the multiple measures listed in KRS 156.557(4) and in Sections ~~7~~~~8~~ and 10 of this administrative regulation.

~~(28)~~~~(29)~~ "State contribution" means the student growth percentiles, as defined in 703 KAR 5:200, Section 1(11), for teachers and other professionals, and the next generation learners goal for principals and assistant principals.

~~(29)~~~~(30)~~ "Student growth" is defined by KRS 156.557(1)(c).

~~(30)~~~~(31)~~ "Student growth goal" means a goal focused on learning, that is specific, appropriate, realistic, and time-bound, that is developed collaboratively and agreed upon by the evaluatee and evaluator, and that uses local formative growth measures.

~~(31)~~~~(32)~~ "Student growth percentile" means each student's rate of change compared to other students with a similar test score history.

1 (32)[(33)] "Student voice survey" means the student perception survey provided by the  
2 department that is administered annually to a minimum of one (1) district-designated group of  
3 students per teacher or other professional evaluatee if the evaluatee directly instructs students  
4 throughout the school year, and provides data on specific aspects of the instructional  
5 environment[classroom experience] and professional practice of the teacher or other professional  
6 evaluatee.

7 (33)[(34)] "Summative evaluation" is defined by KRS 156.557(1)(d).

8 (34)[(35)] "Teacher" means a certified school personnel who has been assigned the [lead]  
9 responsibility for student learning in a classroom, grade level, subject, or course and holds a  
10 teaching certificate under Title 16 KAR [16-KAR 2:010 or 16-KAR 2:020].

11 (35)[(36)] "Working conditions survey goal" means a school improvement goal set by a principal  
12 or assistant principal every two (2) years with the use of data from the department-approved  
13 working conditions survey.

14 Section 2. Implementation Timeline. (1) Beginning with the 2015-2016 [During the 2014-2015]  
15 school year, all local districts shall fully implement the requirements of KRS 156.557 and this  
16 administrative regulation for all certified school personnel except [other professionals, preschool  
17 teachers, and] teachers of career and technical education in area technology centers. [If the  
18 system plan is approved by the local board of education, a local school district may use the  
19 results from the system to inform personnel decisions. The use of a district's present evaluation  
20 plan, in addition to the system, during the 2014-2015 school year, shall comply with this  
21 administrative regulation. During the 2014-2015 school year, the overall school and district  
22 accountability scores described in 703 KAR 5:225 shall not include the results from the system.]

23 (2) Teachers of career and technical education in area technology centers shall fully implement

1 the requirements of KRS 156.557 and this administrative regulation beginning with the 2016-  
2 2017 school year. Beginning in the 2015-2016 school year, a local school district shall use the  
3 results from the system to inform personnel decisions for teachers, principals, and assistant  
4 principals and results from the system shall be included in the overall school and district  
5 accountability model. Beginning with the 2016-17 school year, a local school district shall use  
6 the results from the system to inform personnel decisions for other professionals, certified  
7 administrators, and teachers of career and technical education in area technology centers[During  
8 ~~the 2014-2015 school year, all school districts shall pilot the system for other professionals and~~  
9 ~~preschool teachers. During the 2014-2015 school year, school districts shall evaluate preschool~~  
10 ~~teachers and other professionals pursuant to the requirements of Section 13 of this administrative~~  
11 ~~regulation. Beginning in the 2015-2016 school year, all school districts shall fully implement the~~  
12 ~~system for other professionals and preschool teachers.~~  
13 (3) ~~Beginning in the 2015-2016 school year, all school districts shall fully implement the system~~  
14 ~~for all certified school personnel, use the system to inform personnel decisions for all certified~~  
15 ~~school personnel, and the overall school and district accountability scores described in 703 KAR~~  
16 ~~5:225 shall include the results from the system].~~

17 Section 3. Approval of Local Professional Growth and Effectiveness System Plan and  
18 Procedures. (1) Each local school district shall submit to the department a professional growth  
19 and effectiveness system plan and procedures to establish the district's evaluation system for all  
20 certified school personnel.

21 (2) The department shall approve each local school district's plan and procedures that comply  
22 with the requirements established in KRS 156.557 and this administrative regulation.

23 Section 4. Local Professional Growth and Effectiveness Policies. The local board of education

1 shall establish a written policy for implementing the system for all certified school personnel in  
2 the district, consistent with the requirements of KRS 156.557 and this administrative regulation.

3 The local board of education shall develop, adopt, and submit to the department for approval a  
4 policy for evaluation of the district superintendent, consistent with the requirements of KRS  
5 156.557(6) and this administrative regulation.

6 Section 5. Local Evaluation Procedures and Forms. (1) A local evaluation committee shall  
7 develop, and the local board of education shall review and approve, system procedures and forms  
8 for the evaluation of certified school personnel positions.

9 (2) The local board of education shall review and approve procedures and forms that meet the  
10 requirements of KRS 156.557(5)(c) and include the requirements established in this subsection.

11 (a) The district may require the utilization of additional trained administrative personnel to  
12 observe and provide information to the evaluator.

13 (b) The district shall require a minimum of one (1) peer observation of a teacher or other  
14 professional evaluatee during the summative evaluation year~~[-documentation of peer~~  
15 ~~observations in the department approved technology platform,]~~ and sharing the documentation  
16 with the teacher or other professional for formative evaluation purposes. Documentation of peer  
17 observations may be documented in the department approved technology platform. At the  
18 request of a teacher or other professional, peer observations may be used in the summative  
19 [formative] process.

20 (c) Beyond the minimum observation requirements set forth in KRS 156.557 and this  
21 administrative regulation, the district may establish uniform requirements for the length,  
22 frequency, and nature of observations conducted by an evaluator for the purpose of evaluation.

23 (d) The district shall require a teacher or other professional evaluator to conduct a minimum of



three (3) observations of a teacher or other professional evaluatee during the summative evaluation cycle, except that the district may reduce the number of minimum observations of a teacher or other professional evaluatee during the summative evaluation cycle for teacher or other professional evaluatees who do not report for work sixty (60) or more consecutive school days. A district shall include a detailed plan for reduction of minimum observations of teachers or other professional evaluatees who do not report for work sixty (60) or more consecutive school days in the district's system plan and procedures submitted to the department for approval pursuant to Section 3 of this administrative regulation. ~~and,~~ At a minimum, one (1) full ~~classroom~~ observation shall be conducted during the summative year. Observations may be documented ~~and to document all observations~~ in the department-approved technology platform.

(e) The district shall require a principal evaluator to conduct a minimum of two (2) site visits each year.

(f) The district shall create a process for selection of peer observers.

(g) The district shall require a formative evaluation conference between the evaluator and the evaluatee within five (5) working days following each observation by the evaluator.

(h) The district shall require the summative evaluation conference be held at the end of the summative evaluation cycle and include all applicable system data.

(i) The district shall require summative evaluation, with multiple observations, to occur annually for each teacher or other professional who has not attained continuing service status under KRS 161.740 or continuing status under KRS 156.800(7) and may utilize the formative data collected during the beginning teacher internship period, pursuant to 16 KAR 7:010, in the summative evaluation of an intern teacher.

(j) The district shall require multiple observations of a certified school personnel who has

1 attained continuing service status under KRS 161.740 or continuing status under KRS

2 156.800(7) and whose observation results are determined to be ineffective.

3 (k) The district shall require summative evaluation at least once every three (3) years for a  
4 teacher or other professional who has attained continuing service status under KRS 161.740 or  
5 continuing status under KRS 156.800(7).

6 (l) The district, upon the request of a teacher or other professional, may use peer observation data  
7 in the formative process.

8 (m) The district shall require summative evaluation annually for a certified administrator,  
9 assistant principal, or principal. The evaluation criteria and process used to evaluate a certified  
10 administrator, assistant principal, or principal shall be explained to and discussed with the  
11 evaluatee no later than the end of the evaluatee's first thirty (30) calendar days of reporting for  
12 employment each school year.

13 (n) The district shall require a summative evaluation of a certified school personnel be  
14 documented in writing and be included in the evaluatee's official personnel record.

15 (o) The district shall require documentation of a summative evaluation of a teacher, other  
16 professional, principal, and assistant principal in the department-approved technology platform.

17 (p) All evidence used to produce a certified school personnel's overall performance rating shall  
18 be included in the documentation of the summative evaluation.

19 (q) The district shall provide an opportunity for a written response by the evaluatee and require  
20 the response be included in the official personnel record. ~~[(3) The local board of education shall~~  
21 ~~develop, adopt, and submit to the department for approval procedures for evaluation of the~~  
22 ~~district superintendent, consistent with the requirements of KRS 156.557(6) and this~~  
23 ~~administrative regulation.]~~

1 Section 6. Training and Testing of Evaluators and Observers. (1) The district shall include  
2 evaluation and observation training in the district's system plan and procedures submitted to the  
3 department for approval pursuant to Section 3 of this administrative regulation.

4 (2) The district shall ensure an evaluator meets the requirements of the district's system plan and  
5 procedures prior to evaluating a certified school personnel.

6 (3) An evaluator shall be trained, [and] tested, and approved on a four (4) year cycle.

7 (4) Year one (1) of the district's evaluator training cycle shall include the following training  
8 requirements:

9 (a) Training on KRS 156.557 and the requirements of this administrative regulation;

10 (b) Training in identifying effective teaching and management practices, in effective observation  
11 and conferencing techniques, in development of student growth goals, in providing clear and  
12 timely feedback, in establishing and assisting with a professional growth plan, and in summative  
13 decision techniques;

14 (c) Training provided by the department for all certified administrator evaluators who have never  
15 evaluated certified school personnel. Other certified administrators who have not received  
16 training in the skill areas listed in paragraph (b) of this subsection may also be trained by the  
17 department; and

18 (d) Training, for all other evaluators, by a provider who has been approved by the department as  
19 a trainer for the Instructional Leadership Improvement Program established in 704 KAR 3:325.

20 (5) Year one (1) of the district's evaluator training cycle shall include the testing requirements  
21 established in this subsection.

22 (a) An evaluator shall successfully complete testing of research-based and professionally  
23 accepted teaching and management practices and effective evaluation techniques.

- 1 (b) The testing shall be conducted by the department or an individual or agency approved by the  
2 department.
- 3 (c) The testing shall include certification as an observer through the department-approved  
4 observer certification process for an evaluator who is evaluating~~[observing]~~ teachers or other  
5 professionals~~[for the purpose of evaluation]~~.
- 6 (6) The department shall issue year one (1) approval as an evaluator upon the evaluator's  
7 successful completion of the required evaluation training and testing program and successful  
8 completion of observer certification.
- 9 (7) Years two (2) and three (3) of the district's evaluator training and testing cycle shall include a  
10 minimum of six (6) hours in each year and shall include:
- 11 (a) Observer calibration~~[recalibration]~~ training, in the department-approved technology platform,  
12 for all evaluators who observe teachers or other professionals for the purpose of evaluation;
- 13 (b) Update training on professional growth and effectiveness statutes and administrative  
14 regulations; and
- 15 (c) Training for evaluators on any changes to the Professional Growth and Effectiveness System  
16 and certified evaluation plan, policies, or procedures.
- 17 (8) Year four (4) of the district's evaluator training and testing cycle shall include refresher  
18 evaluator training and, if evaluating teachers or other professionals, recertification~~[refresher~~  
19 ~~observer certification]~~ training and testing.
- 20 (9) The district shall require peer observers to complete the department-approved~~[developed]~~  
21 peer observer training at least once every three (3) years.
- 22 (10) The district shall designate a contact person responsible for monitoring evaluator training  
23 and for implementing the system.

Section 7. Professional Practice Rating and Student Growth Rating for Teachers and Other Professionals. (1) The district's professional practice rating form shall utilize The Framework for Teaching Evaluation Instrument, 2011 Edition, in conjunction with the Teacher and Other Professionals Evaluation Crosswalk, in compliance with KRS 156.557 and the requirements of this administrative regulation and shall include the following:

(a) Planning and Preparation Domain~~[- Components shall include: Knowledge of Content and Pedagogy, Demonstrating Knowledge of Students, Setting Instructional Outcomes, Demonstrating Knowledge of Resources, Designing Coherent Instruction, and Designing Student Assessments];~~

(b) Classroom Environment Domain~~[- Components shall include: Creating an Environment of Respect and Rapport, Establishing a Culture of Learning, Managing Classroom Procedures, Managing Student Behavior, and Organizing Physical Space];~~

(c) Instruction Domain~~[- Components shall include: Communicating with Students, Questioning and Discussion Techniques, Engaging Students in Learning, Using Assessment in Instruction, and Demonstrating Flexibility and Responsiveness];~~ and

(d) Professional Responsibilities Domain~~[- Components shall include: Reflecting on Teaching, Maintaining Accurate Records, Communicating with Families, Participating in a Professional Community, Growing and Developing Professionally, and Showing Professionalism].~~

(2) The district's professional practice rating evaluation form shall list, in each component, the performance criteria that characterize effective practice~~[teaching]~~ and apply to the~~[teacher]~~ evaluatee.

(3) The district shall explain and discuss the professional practice rating domains, components, and performance criteria, and the evaluation process with an~~[a teacher]~~ evaluatee no later than

the end of the evaluatee's first thirty (30) calendar days of reporting for employment each school year. Amendments to local systems of teacher evaluation approved by the department after the end of the evaluatee's~~teacher's~~ first thirty (30) calendar days of the school year shall not apply to the evaluatee~~teacher~~ until the following school year.

(4) A professional practice rating evaluation form shall be specific to the evaluatee's~~teacher's~~ job category.

(5) The evaluator shall utilize The Framework for Teaching Evaluation Instrument, 2011 Edition, in conjunction with the Teacher and Other Professional Evaluation Crosswalk, in compliance with KRS 156.557 and the requirements of this administrative regulation, to determine ratings for the evaluatee~~teacher~~ on each of the four (4) domains.

(6) The evaluator shall use evidence from professional growth plans and self-reflection, observation, and student voice surveys, in combination with professional judgment, to inform the teacher's or other professional's rating on each of the four (4) domains listed in subsection (1) of this section.

(7) The evaluator may, if included in the district's approved evaluation plan, use additional district-determined sources of evidence to inform the teacher's or other professional's professional practice rating.

(8) The evaluator shall utilize the decision rules in this subsection for determining the professional practice rating for a teacher or other professional.

(a) The evaluator shall use the following ratings:

1. "Exemplary" shall be the rating for performance that consistently exceeds expectations for effective performance;

2. "Accomplished" shall be the rating for performance that consistently meets expectations for

1 effective performance;

2 3. "Developing" shall be the rating for performance that inconsistently meets expectations for  
3 effective performance; and

4 4. "Ineffective" shall be the rating for performance that consistently fails to meet expectations for  
5 effective performance.

6 (b) At a minimum, the evaluator shall use the following decision rules in this subsection to  
7 determine a professional practice rating.

8 (c) If a teacher or other professional is rated ineffective in the classroom environment domain or  
9 in the instruction domain, the teacher's or other professional's professional practice rating shall  
10 be not be exemplary or accomplished.

11 (d)~~(e)~~ If a teacher or other professional is rated ineffective in the classroom environment  
12 domain and in the instruction domain, the teacher's or other professional's professional practice  
13 rating shall be ineffective.

14 (e)~~(d)~~ If a teacher or other professional is rated ineffective in any domain, the teacher's or other  
15 professional's professional practice rating shall be accomplished, developing, or ineffective.

16 (f)~~(e)~~ If a teacher or other professional is rated developing in two (2) domains and  
17 accomplished in two (2) domains, the teacher's or other professional's professional practice  
18 rating shall be accomplished.

19 (g)~~(f)~~ If a teacher or other professional is rated developing in two (2) domains and exemplary in  
20 two (2) domains, the teacher's or other professional's professional practice rating shall be  
21 accomplished.

22 (h)~~(g)~~ If a teacher or other professional is rated accomplished in two (2) domains and  
23 exemplary in two (2) domains, the teacher's or other professional's professional practice rating

1 shall be exemplary.

2 (9) The district shall determine the teacher's or other professional's overall student growth rating  
3 as established in this subsection.

4 (a) The student growth measure shall consist of a state contribution, when available, and a local  
5 contribution.

6 (b) The Kentucky Board of Education shall determine the scale for low, expected, and high  
7 growth regarding the state contribution, and the department shall provide the scale to local  
8 school districts.

9 (c) Student growth goals shall be determined as established in this paragraph.

10 1. The teacher or other professional shall develop and implement a minimum of one (1) student  
11 growth goal each year.

12 2. Because individualized education plan (IEP) goals are student-specific, IEP goals may inform,  
13 but shall not be used as, student growth goals.

14 3. The district shall ensure that student growth goals and measures of student growth are rigorous  
15 and comparable across schools in the local school district.

16 (d) The local school district shall determine the scale for low, expected, and high student growth  
17 goal ratings. In determining the scale, local school districts shall consider the definition of typical  
18 yearly growth contained in 703 KAR 5:200, Section 1(12).

19 (10) The local school district shall develop a process for using professional judgment and the  
20 following sources of evidence to determine the overall student growth rating:

21 (a) Growth trends consisting of the three (3) most recent years of student growth percentile data,  
22 if available, for teachers; and

23 (b) Growth trends consisting of the three (3) most recent years of student growth goal data, if



1 available, for all teachers and other professionals.

2 Section 8. Overall Performance Category of Teachers or Other Professionals. (1) The overall  
3 performance category for teachers or other professionals shall be determined by combining the  
4 teacher's professional practice rating and the teacher's overall student growth rating, as  
5 illustrated by the Kentucky Professional Growth and Effectiveness System Model for Summative  
6 Evaluation of Teachers or Other Professionals.

7 (2) The district shall determine the teacher's or other professional's overall performance category  
8 with the decision rules established in this subsection.

9 (a) A teacher's or other professional's overall performance rating shall be exemplary if:

10 1. The professional practice rating is exemplary and the overall student growth rating is high;

11 2. The professional practice rating is exemplary and the overall student growth rating is

12 expected; or

13 3. The professional practice rating is accomplished and the overall student growth rating is high.

14 (b) A teacher's or other professional's overall performance rating shall be accomplished if:

15 1. ~~The professional practice rating is exemplary and the overall student growth rating is low;~~

16 2.] The professional practice rating is accomplished and the overall student growth rating is

17 expected; or

18 2.~~[3.]~~ The professional practice rating is developing and the overall student growth rating is high;

19 (c) A teacher's or other professional's overall performance category shall be developing if:

20 1. The professional practice rating is exemplary and the overall student growth rating is low;

21 2. The professional practice rating is accomplished and the overall student growth rating is low;

22 3.~~[2.]~~ The professional practice rating is developing and the overall student growth rating is

23 expected;

1 4.[3-] The professional practice rating is developing and the overall student growth rating is low;

2 or

3 5.[4-] The professional practice rating is ineffective and the overall student growth rating is high.

4 (d) A teacher's or other professional's overall performance category shall be ineffective if:

5 1. The professional practice rating is ineffective and the overall student growth rating is

6 expected; or

7 2. The professional practice rating is ineffective and the overall student growth rating is low.

8 Section 9. Professional Growth Plan and Cycle for Tenured Teachers or Other Professionals. A

9 teacher or other professional shall be placed on an appropriate plan and summative evaluation

10 cycle based on the professional practice rating and the overall student growth rating, as

11 illustrated by the Kentucky Professional Growth Plan and Cycle for Tenured Teachers or Other

12 Professionals. (1) A teacher or other professional whose professional practice rating is exemplary

13 or accomplished and who has an expected or high overall student growth rating shall have a

14 professional growth plan that includes: goals set by the teacher or other professional, with

15 evaluator input; activities that are evaluatce[teacher]-directed and implemented with colleagues;

16 a formative review annually; and a summative evaluation that occurs at the end of year three (3)

17 of the evaluation cycle.

18 (2) A teacher or other professional whose professional practice rating is accomplished or

19 exemplary, with a low overall student growth rating, or developing, with a high overall student

20 growth rating, shall have a professional growth plan that includes: goals set by the teacher or

21 other professional with evaluator input; if there is a low student growth rating, one (1) goal shall

22 focus on low student growth outcome; an annual formative review; and a summative evaluation

23 that occurs at the end of year three (3) of the evaluation cycle.

(3) A teacher or other professional whose professional practice rating is developing, with an expected overall student growth rating, shall have a professional growth plan that includes: goals set by the teacher or other professional with evaluator input; one (1) goal that addresses professional practice or student growth; activities that are evaluated~~teacher~~-directed and implemented with colleagues; an annual formative review; and a summative evaluation that occurs at the end of year three (3) of the evaluation cycle.

(4) A teacher or other professional whose professional practice rating is developing, with a low overall student growth rating, or whose professional practice rating is ineffective, with an expected or high overall student growth rating, shall have a professional growth plan that includes goals determined by the evaluator: goals shall focus on professional practice and student growth, include an annual formative review, and include a summative evaluation that occurs at the end of one (1) year.

(5) A teacher or other professional whose professional practice rating is ineffective, with a low overall student growth rating, shall have an improvement plan with goals determined by the evaluator: the goals shall focus on low performance areas and a summative evaluation shall occur at the end of the plan, whose duration is determined by the evaluator and may last up to one (1) year.

Section 10. Professional Practice Rating and Overall Student Growth Rating for Principals and Assistant Principals. (1) The district's professional practice rating form shall utilize the Principal and Assistant Principal Performance Standards and the Principal and Assistant Principal Performance Standards Crosswalk, in compliance with KRS 156.557 and the requirements of this administrative regulation, and shall include the performance standards and descriptors established in this subsection.

- 1 (a) Instructional Leadership Performance Standard. The evaluatee fosters the success of all  
2 students by facilitating the development, communication, implementation, and evaluation of a  
3 shared vision of teaching and learning that leads to student academic growth and school  
4 improvement.
- 5 (b) School Climate Performance Standard. The evaluatee fosters the success of all students by  
6 developing, advocating, and sustaining an academically rigorous, positive, and safe school  
7 climate.
- 8 (c) Human Resources Management Performance Standard. The evaluatee fosters effective  
9 human resources management by assisting with selection and induction and by supporting,  
10 evaluating, and retaining quality instructional and support personnel.
- 11 (d) Organizational Management Performance Standard. The evaluatee fosters the success of all  
12 students by supporting, managing, and overseeing the school's organization, operation, and use  
13 of resources.
- 14 (e) Communication and Community Relations Performance Standard. The evaluatee fosters the  
15 success of all students by communicating and collaborating effectively with stakeholders.
- 16 (f) Professionalism Performance Standard. The evaluatee fosters the success of all students by  
17 demonstrating professional standards and ethics, engaging in continuous professional learning,  
18 and contributing to the profession.
- 19 (2) The district's professional practice rating evaluation form for assistant principals and  
20 principals shall list, in each standard, the performance criteria that characterize professional  
21 effectiveness and apply to the evaluatee.
- 22 (3) The district shall explain and discuss the professional practice rating standards, indicators,  
23 and performance criteria, and the evaluation process to assistant principal and principal

1 evaluatees no later than the end of the evaluatee's first thirty (30) calendar days of the school  
2 year. Amendments to local systems of certified personnel evaluation approved by the department  
3 after the end of an evaluatee's first thirty (30) calendar days of the school year shall not apply to  
4 the evaluatee until the following school year.

5 (4) The district's professional practice rating evaluation form shall be specific to the evaluatee's  
6 job category. The district, at its discretion, may utilize forms for pre- and post-evaluation  
7 conferences.

8 (5) The evaluator shall utilize the Principal and Assistant Principal Performance Standards and  
9 the Principal and Assistant Principal Performance Standards Crosswalk, in compliance with KRS  
10 156.557 and the requirements of this administrative regulation, to determine ratings for an  
11 assistant principal or principal evaluatee on each of the performance standards.

12 (6) The evaluator shall use evidence from professional growth plans and self-reflection, the  
13 department-approved survey of perception of superintendents, district personnel, and teachers on  
14 principal practice; and the department-approved working conditions survey goal. The evaluator  
15 shall also use evidence from site visits, for principals only. The evaluator may, if included in the  
16 district's approved evaluation plan, use additional district-determined sources of evidence to  
17 inform the evaluatee's rating on each of the six (6) standards listed in subsection (1) of this  
18 section.

19 (7) At a minimum, the evaluator shall use the decision rules in this subsection to determine a  
20 professional practice rating.

21 (a) If the evaluatee is rated exemplary in at least four (4) of the standards and no standard is rated  
22 developing or ineffective, the professional practice rating shall be exemplary.

23 (b) If the evaluatee is rated accomplished in at least four (4) standards and no standard is rated

- 1 ineffective, the professional practice rating shall be accomplished.
- 2 (c) If the evaluatee is rated developing in at least five (5) standards, the professional practice  
3 rating shall be developing.
- 4 (d) If the evaluatee is rated ineffective in two (2) or more standards, the professional practice  
5 rating shall be ineffective.
- 6 (8) The overall student growth rating for principals and assistant principals shall be determined  
7 as established in this subsection.
- 8 (a) The student growth measure for principals and assistant principals shall consist of a state  
9 contribution and a local contribution.
- 10 (b) The state contribution for principals and assistant principals shall be based on the degree to  
11 which the evaluatee meets the next generation learners goal. A principal's next generation  
12 learners goal shall be the assistant principal's next generation learners goal as well. For schools  
13 that do not receive state assessment data, principals shall develop two (2) local student growth  
14 goals.
- 15 (c) The local contribution for the student growth measure for principals and assistant principals  
16 shall be a rating based on the degree to which the principal or assistant principal meets student  
17 growth goals. Assistant principals shall share the principal's student growth goals.
- 18 (d) All principals and assistant principals shall develop and implement a minimum of two (2)  
19 student growth goals each year, one (1) of which shall focus on school gap population data.
- 20 (e)[One (1) goal shall address the needs outlined in the school's comprehensive school  
21 improvement plan.
- 22 (f)] One (1) goal shall be based on local student growth data.
- 23 (f)[(g)] The district shall ensure that student growth goals are rigorous and comparable across

schools in the local district.

~~(g)~~~~(h)~~ The scale for low, expected, and high student growth goal ratings shall be determined by the local school district. In determining the scale, local school districts shall consider the schools goals and measures of success in the comprehensive school improvement plan required in 703 KAR 5:225, Section 9.

~~(h)~~~~(i)~~ The district shall develop a process for using professional judgment and evidence from the following sources of evidence to determine the overall student growth rating:

1. Growth trends over the three (3) most recent years of next generation learners student growth data, calculated pursuant to 703 KAR 5:200; and
2. Growth trends over the three (3) most recent years of student growth goal data.

Section 11. Overall Performance Category of Principals and Assistant Principals. (1) The overall performance category for principals and assistant principals shall be determined by combining the principal or assistant principal's professional practice rating and overall student growth rating, as illustrated by the Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of Assistant Principals and Principals.

(2) The district shall determine the overall performance category for principals and assistant principals with the decision rules established in this subsection.

(a) An evaluatee's overall performance category shall be exemplary if:

1. The professional practice rating is exemplary and the overall student growth rating is high;
2. The professional practice rating is exemplary and the overall student growth rating is expected; or
3. The professional practice rating is accomplished and the overall student growth rating is high.

(b) An evaluatee's overall performance category shall be accomplished if:

1. The professional practice rating is accomplished and the overall student growth rating is expected; or

2. The professional practice rating is developing and the overall student growth rating is high.

(c) An evaluatee's overall performance category shall be developing if:

1. The professional practice rating is exemplary and the overall student growth rating is low;

2. The professional practice rating is accomplished and the overall student growth rating is low;

3. The professional practice rating is developing and the overall student growth rating is expected; or

4. The professional practice rating is developing and the overall student growth rating is low.

(d) An evaluatee's overall performance category shall be ineffective if the professional practice rating is ineffective.

Section 12. Professional Growth Plan for Principals and Assistant Principals. The evaluator shall place an assistant principal or principal evaluatee on an appropriate professional growth plan based on the professional practice rating and the overall student growth rating, as illustrated by the Kentucky Professional Growth Plan for Assistant Principals and Principals. (1) An evaluatee whose professional practice rating is exemplary, with an expected to high overall student growth rating, shall have, at a minimum, a professional growth plan with goals set by the evaluatee with evaluator input and a summative evaluation that occurs at the end of each school year.

(2) An evaluatee whose professional practice rating is accomplished, with an expected to high student overall student growth rating, shall have, at a minimum, a professional growth plan with goals set by the evaluatee with evaluator input and a summative evaluation that occurs at the end of each school year.

(3) An evaluatee whose professional practice rating is developing, with a high overall student



growth rating, shall have, at a minimum, a professional growth plan with goals set by the  
evaluator with evaluator input and a summative evaluation that occurs at the end of each school  
year.

(4) An evaluatee whose professional practice rating is developing, with a low to expected overall  
student growth rating, shall have, at a minimum, a professional growth plan with goals  
determined by the evaluator and a summative evaluation at the end of each school year.

(5) An evaluatee whose professional practice rating is ineffective shall have, at a minimum, an  
improvement plan with the goals determined by the evaluator and a summative evaluation at the  
end of the plan, as determined by the evaluator, not to exceed one (1) year in duration.

Section 13. Evaluation of Certified Administrators Assigned to the District Level for Purposes of  
Evaluation. (1) The district's evaluation form for certified administrators assigned to the district  
level for purposes of evaluation shall:

(a) Utilize the performance criteria outlined in KRS 156.557(4), in compliance with KRS  
156.557 and the requirements of this administrative regulation; and

(b) List the performance criteria that characterizes professional effectiveness and apply to the  
evaluatee.

(2) The district shall explain and discuss performance criteria and the evaluation process to an  
evaluatee no later than the end of the evaluatee's first thirty (30) calendar days of the school  
year. Amendments to local systems of certified personnel evaluation approved by the department  
after the end of an evaluatee's first thirty (30) calendar days of the school year shall not apply to  
the evaluatee until the following year.

(3) The district evaluation form for certified administrators assigned to the district level for  
purposes of evaluation shall be specific to the evaluatee's job category. The district, at its

1 discretion, may utilize forms for pre- and post-evaluation conferences.

2 (4) The evaluator shall use evidence from professional growth plans and self-reflection, one (1)

3 site visit, student growth, and professional judgment to determine the overall performance of

4 certified administrators assigned to the district level for purposes of evaluation[Evaluation of

5 ~~Other Professionals and Preschool Teachers During the 2014 2015 School Year. (1) The district~~

6 ~~shall include, in its professional growth and effectiveness plan, a plan for the evaluation of other~~

7 ~~professionals and preschool teachers during the 2014 2015 school year.~~

8 ~~(2) The district's procedures for other professional and preschool teacher evaluatees, whose~~

9 ~~evaluation cycle requires evaluation during the 2014 2015 school year, shall include the~~

10 ~~requirements established in this subsection.~~

11 ~~(a) Beyond the minimum requirements set forth in this administrative regulation, the local~~

12 ~~district may establish requirements as to the length, frequency, and nature of observations~~

13 ~~conducted by an evaluator.~~

14 ~~(b) The district shall require the evaluation to include a formative evaluation conference between~~

15 ~~the evaluator and the evaluatee within five (5) working days following each observation, the~~

16 ~~summative evaluation conference held at the end of an evaluation cycle that ends during the~~

17 ~~2014 2015 school year, all evaluation data.~~

18 ~~(c) The district shall require multiple observations to be conducted of an evaluatee who has~~

19 ~~earned continuing service status pursuant to KRS 161.740 and whose observation results are~~

20 ~~ineffective.~~

21 ~~(d) The district shall require a summative evaluation to occur, if required by the evaluation cycle~~

22 ~~of the evaluatee.~~

23 ~~(e) The district shall include the evaluation in the evaluatee's official personnel record.~~

1 (f) The district shall provide in the evaluation process an opportunity for a written response by  
2 the evaluatee and shall include the response in the evaluatee's official personnel record.

3 (g) A copy of the evaluation shall be provided to the evaluatee.

4 (3) The evaluation form shall include a list of performance criteria. Under each criterion, specific  
5 descriptors or indicators that can be measured or observed and recorded shall be listed.

6 Additionally, standards of performance shall be established for each criterion. The performance  
7 criteria shall include those that are identified in KRS 156.557(4) applicable to the evaluatee.

8 (4) The evaluation criteria and process shall be explained to and discussed with the evaluatee no  
9 later than the end of the evaluatee's first thirty (30) calendar days of the 2014-2015 school year.

10 (5) An evaluative form shall be specific to each job category. The district may use forms for pre-  
11 and post-evaluation conferences.

12 (6) The district shall provide evaluatees an opportunity for an appeal to the local evaluation  
13 appeals committee as outlined in Section 18 of this administrative regulation.

14 (7) An evaluatee who believes that the local district is not properly implementing the evaluation  
15 plan as approved by the department shall have the opportunity to appeal to the Kentucky Board  
16 of Education as outlined in Section 19 of this administrative regulation.

17 Section 14. Evaluation of Certified Administrators in the 2014-2015 School Year. (1) The  
18 district shall include, in the professional growth and effectiveness plan, a plan for the evaluation  
19 of certified administrators.

20 (2) Beyond the minimum requirements set forth in KRS 156.557 and this administrative  
21 regulation, the local district may establish requirements as to the length, frequency, and nature of  
22 observations conducted by an evaluator.

23 (3) The district shall require the evaluation to include a formative evaluation conference between

~~the evaluator and the evaluatee within five (5) working days following each observation, the summative evaluation conference held at the end of the summative evaluation cycle, and the inclusion of all professional growth and effectiveness data.~~

~~(4) The district shall document the certified administrator's summative evaluation decision, include documentation of the sources of evidence used in determining the performance rating of the evaluatee, and include these documentations in the evaluatee's official personnel record.~~

~~(5) The district shall provide an opportunity for a written response by the evaluatee, and the response shall be included in the evaluatee's official personnel record.~~

~~(6) A copy of the evaluation shall be provided to the evaluatee.~~

~~(7) The evaluation form for certified administrators shall include a list of performance criteria that characterize effective administrative practices.~~

~~(8) Under each criterion, specific descriptors or indicators shall be listed.~~

~~(9) The performance criteria shall include those that are identified in KRS 156.557(4) applicable to the evaluatee.~~

~~(10) The evaluation criteria and process used to evaluate certified administrators shall be explained to and discussed with the evaluatee no later than the end of the evaluatee's first thirty (30) calendar days of the school year.~~

~~(11) The district's evaluation form shall be specific to the evaluatee's job category. The district may utilize forms for pre and post evaluation conferences.~~

~~(12) The district shall provide certified administrator evaluatees an opportunity for an appeal to the local evaluation appeals committee as outlined in Section 18 of this administrative regulation.~~

~~(13) An evaluatee who believes that the local district is not properly implementing the evaluation plan as approved by the department shall have the opportunity to appeal to the Kentucky Board~~

1 of Education as outlined in Section 19 of this administrative regulation].

2 Section 14.[15.] District Evaluation Plan. (1) The local board of education shall review, as  
3 needed, the district's evaluation plan to ensure compliance with KRS 156.557 and this  
4 administrative regulation.

5 (2) If a substantive change is made to the district's evaluation plan, the local board of education  
6 shall utilize the evaluation committee, described in KRS 156.557(5)(c)1, in formulating the  
7 revision. Examples of substantive change shall include changes in the evaluation cycle,  
8 observation frequency, forms, or appeal procedures.

9 (3) The local board of education shall review and approve revisions to the plan and submit the  
10 amended plan to the department for approval.

11 Section 15.[16.] Reporting. (1)[Beginning in the 2014-2015 school year,] Districts shall report to  
12 the department the percentage of principals, assistant principals,[and] teachers, and other  
13 professionals in each professional practice rating category, student growth rating category and  
14 overall performance category listed in Sections 7, 8, 10, and 11 of this administrative  
15 regulation[and the percentage of teachers on each plan listed in Section 9 of this administrative  
16 regulation].

17 (2) The department shall publicly report, by district, the aggregate number of principals, assistant  
18 principals,[and] teachers, including other professionals in each overall performance category.

19 Section 16.[17.] Monitoring. A district implementing an alternative professional growth and  
20 effectiveness plan or system approved by the department pursuant to KRS 156.557(7) shall be  
21 monitored within three (3) years of the initial implementation of the alternative plan, and  
22 subsequently at the discretion of the department.

23 Section 17.[18.] Local Evaluation Appeals Panel. The district shall provide the following in its

1 system plan for an appeal to the local evaluation appeals panel:

2 (1) A right to a hearing as to every appeal;

3 (2) An opportunity, five (5) days in advance of the hearing, for the evaluator and evaluatee to  
4 adequately review all documents that are to be presented to the local evaluation appeals panel;  
5 and

6 (3) A right to have the evaluatee's chosen representative present at the hearing.

7 Section 18.~~[19.]~~ State Evaluation Appeals Panel. (1) A certified school personnel who believes  
8 that the local district is not properly implementing the evaluation plan as approved by the  
9 department shall have the opportunity to appeal to the Kentucky Board of Education.

10 (2) The appeal procedures shall be as established in this subsection.

11 (a) The Kentucky Board of Education shall appoint a committee of three (3) state board members  
12 to serve on the state evaluation appeals panel (SEAP). The SEAP's jurisdiction shall be limited  
13 to procedural matters already addressed by the local appeals panel related to the district's alleged  
14 failure to implement an evaluation plan as approved by the department. The SEAP shall not have  
15 jurisdiction of a complaint involving the professional judgment conclusion of an evaluation, and  
16 the SEAP's review shall be limited to the record of proceedings and documents therein, or lack  
17 thereof, at the local district level.

18 (b) No later than thirty (30) calendar days after the final action or decision at the local district  
19 level, a certified school personnel may submit a written request to the chief state school officer  
20 for a review before the SEAP. If a certified school personnel does not appeal within the time  
21 frame listed in this paragraph, the request shall not be considered. A specific description of the  
22 complaint and grounds for appeal shall be submitted with the request.

23 (c) A brief, written statement or other document that a party wishes to submit for consideration

by the SEAP shall be filed with the panel and served on the opposing party at least twenty (20) days prior to the scheduled review.

(d) A decision of the SEAP shall be rendered within fifteen (15) working days after the review.

(e) A determination of district noncompliance with the local evaluation plan or absence of a district local evaluation plan shall render the evaluation void, and the certified employee shall have the right to be reevaluated.

Section 19.~~[20]~~ Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "The Framework for Teaching Evaluation Instrument, 2011 Edition", May 2014;

(b) "Principal and Assistant Principal Performance Standards", May 2014;

(c) "Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of Teachers and Other Professionals", April 2015~~[May 2014]~~;

(d) "Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of Assistant Principals and Principals", May 2014;

(e) "Teacher and Other Professional Evaluation Crosswalk", April 2015~~[May 2014]~~;

(f) "Principal and Assistant Principal Performance Standards Crosswalk", May 2014;

(g) "Kentucky Professional Growth Plan and Cycle for Tenured Teachers and Other Professionals", April 2015~~[July 2014]~~; and

(h) "Kentucky Professional Growth Plan for Assistant Principals and Principals", July 2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Office of Next Generation Learners, 18th~~[1st]~~ Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

6-11-15  
(Date)

Terry Holliday  
Terry Holliday, Ph.D.  
Commissioner of Education

6-11-15  
(Date)

Roger L. Marcum  
Roger L. Marcum, Chairperson  
Kentucky Board of Education



## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 3:370

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a statewide professional growth and effectiveness system, as required by KRS 156.557, for the evaluation, support and improvement of performance of all certified school personnel in school districts.

(b) The necessity of this administrative regulation: KRS 156.557 requires the agency to develop a framework for a statewide personnel evaluation system for all certified school personnel in school districts and to establish a statewide professional growth and effectiveness system for the evaluation, support and improvement of performance of all certified school personnel in school districts. This administrative regulation includes a framework for a statewide personnel evaluation system and establishes a uniform method of evaluation of certified school personnel in school districts.

(c) How this administrative regulation conforms to the content of the authorizing statute: As required by KRS 156.557, this administrative regulation establishes a framework for a statewide personnel evaluation system, including a uniform method of evaluation, support and improvement for certified school personnel.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets out the requirements for the uniform evaluation of certified school personnel, below the level of superintendent as required by KRS 156.557.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment to the regulation does the following: Updates implementation timelines for various evaluatee groups. Preschool teachers are no longer a pilot group and will be evaluated as all other certified teachers under the proposed amendment. Other professionals will also end their pilot period and be evaluated pursuant to the system established for certified teachers.

A system of evaluation of certified administrators at the district level is added to the regulation. The proposed amendment incorporates teachers of career and technical education in area technology centers.

The proposed amendment requires that school districts begin using results from the PGES system to inform personnel decisions for teachers, principals and assistant principals beginning in the 2015-2016 school year. Districts must use results from the PGES system to inform personnel decisions for other professionals, certified administrators, and teachers of career and technical education in area technology centers beginning in the 2016-2017 school year.

This amendment makes a change to a decision rule for a teacher's overall rating. The United States Department of Education (USED) requires this change as a contingency of approval of Kentucky's ESEA. Finally, the amendment makes entry of data into the state-approved technology platform optional for all evaluation components except the summative rating.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary in order to comply with KRS 156.557, meet the requirements of the USED ESEA waiver and address concerns from the field.

(c) How the amendment conforms to the content of the authorizing statute: The authorizing statute requires a statewide professional growth and effectiveness system for all certified personnel. The proposed amendment ends system pilots and requires evaluation of additional evaluatee groups. The amendment provides for evaluation of all certified school personnel below the level of superintendent as required by KRS 156.557.

(d) How the amendment will assist in the effective administration of the statutes: The regulation and amendments provide the framework for evaluation of all certified school personnel as required by KRS 156.557.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky and all certified school personnel.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The districts will revise their certified evaluation plan and submit to the Department of Education for approval. Districts will need to apply the guidelines of the regulation to all certified personnel and not just teachers, principals and assistant principals.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: School districts shall revise their certified evaluation plans to include newly incorporated evaluatees and comply with the proposed amended regulation. School districts shall provide training and resources to school and district personnel to ensure consistent and accurate implementation of the requirements of the statewide evaluation system for certified school personnel.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs to current operations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Evaluation of certified school personnel will lead to the support and improvement of the performance of all certified school personnel and promote the continuous professional growth and development of skills needed to be a highly effective certified school personnel as intended by KRS 156.557.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Indeterminable. Any funds currently being spent in the local school district on teacher evaluation may be redirected to address the requirements of KRS 156.557 and this administrative regulation. Local school districts should review how they use currently available state and federal grant funds (e.g. school improvement, Title I, Title II, Professional Development) for possible redirection to implementation of KRS 156.557 and this administrative regulation.

(b) On a continuing basis: Indeterminable. Any funds currently being spent in the local school district on teacher evaluation may be redirected to address the requirements of KRS 156.557 and this administrative regulation. Local school districts should review how they use currently available state and federal grant funds (e.g. school improvement, Title I, Title II, Professional Development) for possible redirection to implementation of KRS 156.557 and this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No, tiering does not apply because the requirements of this administrative regulation apply to all school districts.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:370

Contact Person: Kevin C. Brown

Phone number: 564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All Kentucky public school districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.557.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Indeterminable. Any funds currently being spent in the local school district on teacher evaluation may be redirected to address the requirements of KRS 156.557 and this administrative regulation. Local school districts should review how they use currently available state and federal grant funds (e.g. school improvement, Title I, Title II, Professional Development) for possible redirection to implementation of KRS 156.557 and this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? Indeterminable. Any funds currently being spent in the local school district on teacher evaluation may be redirected to address the requirements of KRS 156.557 and this administrative regulation. Local school districts should review how they use currently available state and federal grant funds (e.g. school improvement, Title I, Title II, Professional Development) for possible redirection to implementation of KRS 156.557 and this administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-): The Kentucky Department of Education cannot accurately estimate the cost of administering this administrative regulation for each of Kentucky's school districts. Individual costs will vary depending on the size and efficiency of each school district. Local

school districts may direct currently available state and federal grant funds, including funds currently used for evaluation of teachers for implementation of this administrative regulation.

Other Explanation:

### Summary of Material Incorporated by Reference

#### 704 KAR 3:370 Professional Growth and Effectiveness System

The following documents are incorporated by reference:

“Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of Teachers and Other Professionals”, April 2015. The document consists of 2 pages. This document is used in conducting the evaluations of certified school personnel outlined in this regulation.

This document has been changed to add “Other Professionals” to the title to indicate that this summative model is also applicable to Other Professionals.

“Teacher and Other Professional Evaluation Crosswalk”, April 2015. The document consists of 11 pages. This document is used in conducting the evaluations of certified school personnel outlined in this regulation.

This document has been changed to illustrate that domains in the framework for teaching align across the Other Professional job category.

“Kentucky Professional Growth Plan Model for Tenured Teachers and Other Professionals”, April 2015. The document consists of 1 page. This document is used in conducting the evaluations of certified school personnel outlined in this regulation.

This document has been changed to add “Other Professionals” to the title to indicate that this professional growth plan model is also applicable to Other Professionals.

STATEMENT OF CONSIDERATION  
RELATING TO 704 KAR 3:370  
Professional Growth and Effectiveness System  
Kentucky Department of Education

Amended After Comments

1. A public hearing was scheduled on the above regulation on May 21, 2015 at 1:00 p.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 500 Mero Street, 1<sup>st</sup> Floor, Frankfort, Kentucky. The hearing was cancelled when no one registered to attend or presented at the noticed time to provide comments.

2. The following individuals submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Stephanie Winkler, President	Kentucky Education Association
Mary Ann Blankenship, Executive Director	Kentucky Education Association

3. The following people from the promulgating administrative body responded to the written comments:

<u>Name and Title</u>
Kevin C. Brown, General Counsel/Associate Commissioner, Office of Guiding Support Services
Todd G. Allen, Assistant General Counsel, Office of Guiding Support Services
Amanda Ellis, Associate Commissioner, Office of Next Generation Learners
Gretta Hylton, Policy Advisor, Office of Next Generation Learners

Summary of Comments and Responses

1. Subject Matter: Technical Changes

(a) Comment: The Kentucky Education Association ("KEA") commented that clarification is necessary at Section 5(2)(b) regarding the ability to document peer observations in the department approved technology platform. Specifically, KEA advocates for clarification to indicate that only the observer and teacher have access to the documented observation. KEA

further advocates that "the person being evaluated should be permitted to use the department approved technology platform for recording and sharing this data, but such used [sic] cannot be required." With regard to Section 7(8)(b), KEA comments that the phrase "at a minimum" should be deleted for clarification purposes. KEA points out that possible domain rating combinations are not anticipated in determining a professional practice rating and that school district certified evaluation committees should be given the opportunity to further define criteria for professional practice ratings.

(b) Response: Upon consideration, the agency declines to make the changes at Section 5(2)(b) as proposed by KEA. The phrase, "Documentation of peer observations may be documented in the department approved technology platform" was added to the regulation to provide flexibility in the manner in which districts record and store observation documentation. It is the responsibility of local school districts to maintain information which substantiates the growth and effectiveness ratings of individual certified personnel. Based on feedback from stakeholders, the Kentucky Department of Education ("KDE") realized the desire for flexibility in use of the KDE approved technology platform. Therefore, school districts may indicate in their required certified evaluation plans whether they will document peer observation in the KDE approved technology platform, or utilize some other method for observation documentation. In review of the regulation following KEA's comments, KDE identified an error at Section 5(2)(b). The regulation incorrectly indicated that teachers or other professionals may request use of peer observations in the formative process. The word "formative" was changed to "summative."

KDE declines to make the changes at Section 7(8)(b) as proposed by KEA. KEA correctly points out that certain domain rating combinations are not included in the minimum decision rules for determining a professional practice rating. As indicated at Section 7(8)(b), the decision rules set forth in the subsection are the minimum standards for determining a professional practice rating. These minimum decision rules are consistent with recommendations of the Teacher Effectiveness Steering Committee and establish standards for comparability among school districts. However, school districts are afforded the flexibility to further define decision rules so long as they are consistent with the minimum requirements set forth in the regulation.

## 2. Subject Matter: Definitions

(a) Comment: KEA commented that the definition of "other professionals" set forth at Section 1(16) requires further clarification to indicate that the term refers to a unique category in the Professional Growth and Effectiveness System. KEA suggested capitalizing both words and treating the phrase as a proper noun. KEA also commented that the word "lead" should be removed from the definition of "teacher" at Section 1(35) indicating it is possible to have two or more certified personnel equally responsible for student learning.

(b) Response: The agency consulted with the regulations compiler about changing the capitalization of "other professionals" and "teachers" in this administrative regulation. The regulations compiler responded that only titles of documents or agency names, along with the first word of each subdivided provision or sentence, are capitalized in administrative regulation. Therefore, the requested capitalization change will not be made. KDE will amend the definition of "teacher" at Section 1(35) to remove the word "lead." KEA correctly points out that it is



possible to have two or more certified personnel in a classroom, grade level, subject, or course who are equally responsible for student learning.

Summary of Statement of Consideration  
Action Taken by Promulgating Administrative Body

The Kentucky Department of Education received and responded to one comment from the public regarding proposed amendments to 704 KAR 3:370. Commenter advocated for technical changes for clarification regarding the documentation of peer observations in the KDE approved technology platform. Specifically, commenter suggested control by certified personnel over the use of the KDE approved technology platform. Commenter further advocated for removal of the phrase "at a minimum" from the professional practice rating decision rules. The agency declined to make the suggested changes.

Finally, during review of the regulation in response to comments, the agency identified an error at Section 5(2)(b). As such, the agency corrected the regulation to indicate that teachers and other professionals may request use of peer observations during the summative process, not the formative process as previously indicated.

The agency proposes the following amendments after comments to the administrative regulation:

Page 6

Section 1(35)

Line 12

Delete "lead" before responsibility.

Page 9

Section 5(2)(b)

Line 1

Delete "formative" before "process". Insert "summative".